

## CITY COUNCIL MEETING MINUTES FROM FEBRUARY 23, 2010

The Regular Meeting was called to order by Mayor Peter J. Strazdas at 7:30 p.m.

Mayor Strazdas introduced Portage Northern High School Student Senate Adviser Rick Searing, who provided a review of the Mayor and City Council for the Day Program activities and thanked Mayor Strazdas and City Council for the opportunity to learn about local government through hands-on participation.

Mayor Strazdas called forth the student who was voted Student Mayor for the Day, Jordan Wolf, and Mr. Hudson administered the Oath of Office to her. Mayor Strazdas called forth the students who were elected Student Councilmembers for the Day from Portage Northern High School: Joey Droppers, Nate Rajpoot and Joe Schulte, and from Portage Central High School: Lauren Brown, Mari Schoolmaster and Tony Beranke, and City Clerk James R. Hudson administered the Oath of Office to them. The Student Mayor and Student Councilmembers took their seats at the dais.

Student Mayor Jordan Wolf introduced Pastor Ken Hale of the Victory Baptist Church of Portage, who gave the invocation and the City Council and the audience recited the Pledge of Allegiance led by Cub Scout Pack 287 and Boy Scout Troop No. 244. Discussion followed.

The City Clerk called the roll with the following members present: Councilmembers Elizabeth A. Campbell, Margaret E. O'Brien, Claudette S. Reid, Terry R. Urban and Patricia M. Randall, Mayor Pro Tem Edward J. Sackley and Mayor Peter J. Strazdas. Also in attendance were Deputy City Manager Brian J. Bowling, City Attorney Randall Brown and City Clerk James R. Hudson.

The City Clerk called the Student Mayor and Student Councilmember roll with the following members present: Jordan Wolf, Joey Droppers, Nate Rajpoot and Joe Schulte, Lauren Brown, Mari Schoolmaster and Tony Beranke.

**APPROVAL OF MINUTES:** Motion by Sackley, seconded by O'Brien, to approve the February 9, 2010 Regular Meeting Minutes as presented. Upon a voice vote, motion carried 6 to 0 with Mayor Strazdas abstaining.

\* **CONSENT AGENDA:** Student Mayor Wolf asked all of the Student Councilmembers to share in the reading of the Consent Agenda. Councilmember Campbell asked that Item L.1, Water Resource Manuals Update, be removed from the Consent Agenda. Motion by O'Brien, seconded by Urban, to approve the Consent Agenda motions as amended. Upon a roll call vote, motion carried 7 to 0.

\* **APPROVAL OF CHECK REGISTER OF FEBRUARY 23, 2010:** Motion by O'Brien, seconded by Urban, to approve the Check Register of February 23, 2010. Upon a roll call vote, motion carried 7 to 0.

### REPORTS FROM THE ADMINISTRATION:

\* **COMPREHENSIVE LIABILITY, PROPERTY AND AUTO FLEET INSURANCE COVERAGE:** Motion by O'Brien, seconded by Urban, to approve a one-year agreement for comprehensive liability, property and auto fleet insurance through the Michigan Municipal Risk Management Authority at a total not-to-exceed cost of \$544,284 for the period of March 1, 2010, to March 1, 2011, and authorize the City Manager to execute all documents related to the action on behalf of the city. Upon a roll call vote, motion carried 7 to 0.

\* **SOUTH WESTNEDGE PARK AND FORMER PARKS MAINTENANCE FACILITY GROUNDWATER MONITORING PROGRAM:** Motion by O'Brien, seconded by Urban, to award a contract to American Hydrogeology Corporation to perform the 2010 annual groundwater sampling and reporting for the South Westnedge Park and former Parks Maintenance Facility in the not-to-exceed amount of \$13,000 with an option to renew the contract for two additional years and authorize the City Manager to execute all documents related to the contract on behalf of the city. Upon a roll call vote, motion carried 7 to 0.

\* **WEST LAKE MANAGEMENT PROGRAM SPECIAL ASSESSMENT DISTRICT NO. 011-Q - RESOLUTION NO. 4:** Motion by O'Brien, seconded by Urban, to adopt Resolution No. 4 for the West Lake Management Program Special Assessment District No. 011-Q, setting a public hearing of necessity on the Assessment Roll for March 9, 2010, at 7:30 p.m. or as soon thereafter as may be heard. Upon a roll call vote, motion carried 7 to 0. Resolution recorded on page 479 of City of Portage Resolution Book No. 43.

\* **ELECTION POLLING PLACES AND RATE OF COMPENSATION RESOLUTION:** Motion by O'Brien, seconded by Urban, to adopt the Resolution Designating Polling Places and Rate of Compensation for the May 4, 2010 Consolidated School Election. Upon a roll call vote, motion carried 7 to 0. Resolution recorded on page 483 of City of Portage Resolution Book No. 43.

\* **JANUARY 2010 SUMMARY ENVIRONMENTAL ACTIVITY REPORT – INFORMATION ONLY:** Motion by O'Brien, seconded by Urban, to receive the communication from the City Manager regarding the January 2010 Summary Environmental Activity Report as information only. Upon a roll call vote, motion carried 7 to 0.

\* **DEPARTMENT MONTHLY REPORTS:** Motion by O'Brien, seconded by Urban, to receive the Department Monthly Reports from the various city departments. Upon a roll call vote, motion carried 7 to 0.

#### **COMMUNICATION:**

**GREG ROSINE, KALAMAZOO COUNTY TRANSPORTATION AUTHORITY VICE CHAIR, REGARDING THE FY 2009 ANNUAL REPORT:** City Council received a Presentation from Kalamazoo County Transportation Authority Vice Chair Greg Rosine, 2326 Pine Ridge Road, Kalamazoo, regarding the FY 2009 Kalamazoo County Transportation Authority Annual Report. Mr. Rosine indicated that work towards one bus system instead of two bus systems can continue in earnest once the Comprehensive Operational Analysis is completed. In response to Councilmember Reid, he asked that the public provide input by writing the Kalamazoo Transit Authority or attend one of the meetings. Discussion followed.

#### **UNFINISHED BUSINESS:**

**RESOLUTION IN SUPPORT OF THE LEGISLATIVE COMMISSION ON STATUTORY MANDATES:** At the request of Mayor Strazdas, Deputy City Manager Brian Bowling explained that a report to City Council was provided and a Resolution in Support of the Legislation Commission on Statutory Mandates was before them for consideration.

Councilmember O'Brien provided a reminder that this request for a Resolution stemmed from a visit by State Representative Larry DeShazor, who asked that cities and townships work together and work also with other public officials to address unfunded mandates. She pointed out that the Resolution

was the first step in a demonstration of support. Mayor Pro Tem Sackley, Mayor Strazdas and Councilmember Urban spoke in favor of adopting the Resolution. Discussion followed.

Motion by O'Brien, seconded by Reid, to adopt the Resolution in Support of the Legislative Commission on Statutory Mandates. Discussion followed. Upon a roll call vote, motion carried 7 to 0. Resolution recorded on page 485 of City of Portage Resolution Book No. 43.

\* **MINUTES OF BOARDS AND COMMISSIONS:** City Council received the minutes of the:

Portage Senior Center Advisory Board of December 16, 2009.

Portage Human Services Board of January 7 and 21, 2010.

Portage Environmental Board of January 13, 2010.

Portage Planning Commission of January 21 and February 4, 2010.

### **BID TABULATION:**

**WATER RESOURCE MANUALS UPDATE:** Councilmember Campbell recused herself from the discussion and expressed she would be abstaining from the vote on this item as her husband is employed by Fishbeck, Thompson, Carr & Huber, Incorporated.

Councilmember Reid referenced the reason given for selecting Fishbeck, Thompson, Carr & Huber, Incorporated, in the February 18, 2010 City Manager Communication was that the proposal clearly shows a depth of knowledge of the Portage area, sufficient project hours and qualified staff to successfully complete the project, but pointed out that it was the second highest proposal and no other criteria, such as the number of hours involved, had been presented for consideration. Based on the presumption that all of the companies that presented proposals and were listed on the bid tabulation met the minimum qualifications as outlined in the request for proposals, she questioned why none of the other companies with a lower bid were considered. Further, presuming Fishbeck, Thompson, Carr & Huber, Incorporated, had qualifications over and above what was mandated, she expressed her confusion as to why at least one of the other less expensive proposals were not recommended if the requirements were fully identified in the request for proposals.

Deputy City Manager Brian Bowling answered that selection of a consultant is based on a qualitative evaluation. Mr. Bowling further indicated that Fishbeck, Thompson, Carr & Huber, Incorporated, has been the stormwater consultant for the City of Portage for many years, and he emphasized that this consultant has a depth of knowledge giving them a distinct advantage over any other consultant wishing to bid on this project. He then stressed the importance of continuity in this area. He indicated that staff reviews these proposals by considering the cost factor, project hours submitted, the scope of the work as submitted, the qualifications of the firm and previous experience with the firm. He summarized by saying that staff recommended Fishbeck, Thompson, Carr & Huber, Incorporated, primarily because of their depth of knowledge of the systems and their involvement with the systems in Portage. He revealed that the hours contained in the bids range from 245 to 528 hours and the number of hours presented by Fishbeck, Thompson, Carr & Huber, Incorporated, was 463 hours.

In answer to Councilmember Reid's question whether a history and past experience with the city should be identified in the request for proposal, Mr. Bowling indicated that this was not the sole factor considered, and pointed out that the experience level of the firm of high quality would weigh into their evaluation, but there is an added cost to the community anytime staff engages a new firm because staff has to dedicate a significant number of hours to bring them up to speed.

In the interest of keeping costs as low as possible and to protect against a misperception by the citizens, Councilmember Reid wondered out loud whether there might be a way to make the request for professional services or consultants proposal requirements more clear. Mr. Bowling indicated that staff is open to all suggestions and continued his analysis for City Council. Mayor Pro Tem Sackley pointed out that it was unusual to have four bidders that meet the specifications of the request for proposal below

the recommended bid and asked when does price come into play and used \$60,000 as an example. Mr. Bowling indicated that the bulk of the bids in this case were from \$41,000 to \$45,000, so the highest bid and the lowest bid were discarded because these would be considered responsible, confident bidders who know what they are bidding. Based upon that methodology, Mr. Bowling indicated that a \$60,000 bid from Fishbeck, Thompson, Carr & Huber, Incorporated, would also be discarded. Mayor Strazdas concurred and expressed an appreciation for the difference between a professional services contract and a contract for specifically defined goods, and questioned whether it is worth the \$4,000 spread in this case.

Councilmember Randall indicated that there would be no reason for a company to bid on a professional services contract if the City of Portage is going to award only to companies with whom they are comfortable. To her question regarding whether any effort is made to contact the low bidder to make sure they are covering the same project scope as the other bidders, Mr. Bowling answered that there is no guarantee that Fishbeck, Thompson, Carr & Huber, Incorporated, is even going to bid on the project; that the city puts these matters out for competitive bid to make sure we are getting the best buy; that if a company has worked for the City of Portage for years and has performed well, that this has a value; and, the question to ask is whether it is worth \$4,000 of staff time to educate a new consultant. Discussion followed. Mr. Bowling offered to provide more detail of the proposal if that was the wish of City Council, but no one requested it, and Mr. Bowling offered it for all professional contracts to come before City Council in the future. An analysis and discussion followed.

At the request of Councilmember Urban, Mr. Bowling provided the hours contained in the proposals and the cost per hour. An analysis and discussion followed.

City Engineer Chris Barnes indicated that this proposal for the services of a consultant was for a manual and mapping; that specialty mapping was required; and some of the companies have looked at the existing maps and explained the factors considered in the evaluation and ranking of the proposals. Mr. Barnes expressed his concern that Prein & Newhof bid less than one-half of the hours of everybody else, and that shaving cost to get the job becomes an issue. He explained the process of obtaining the best bid for professional services and the most cost effective means of getting the best services. Discussion followed.

Motion by O'Brien, seconded by Sackley, to accept the proposal submitted by Fishbeck, Thompson, Carr & Huber, Incorporated, in the amount of \$45,000 to update two water resource manuals and authorize the City Manager to execute all documents related to the contract on behalf of the city. Discussion followed.

Councilmember O'Brien referred to an e-mail she sent earlier to the Administration in which she asked what procedures are in place to protect against having a bidder present a low bid only to refuse to continue because they did not anticipate how much work was involved, or who may ask for a change order to complete the project, thus costing the City money. Discussion followed. Upon a roll call vote, motion carried 6 to 0 with Councilmember Campbell abstaining.

## **OTHER CITY MATTERS:**

**STATEMENTS OF STUDENT MAYOR AND STUDENT CITY COUNCIL FOR THE DAY:** At the request of Mayor Strazdas, the Student Councilmembers and the Student Mayor expressed their appreciation for the opportunity to participate in the Student Council and Mayor for the Day Program. Each of them indicated that the experience was enjoyable, rewarding and enlightening.

**STATEMENTS OF CITY COUNCIL AND CITY MANAGER:** Mayor and City Council expressed their appreciation to the students who participated in the Student Council and Mayor for the Day Program.

Councilmember Reid invited everyone to attend the Walk For Warmth, Saturday, February 27, 2010, at the First Baptist Church, Kalamazoo: 8:30 a.m., registration and refreshments, 9:00 a.m., the kick-off of the event, and 9:15 a.m., the Walk For Warmth event and, for more information, call (269) 373-5314 or email [MLRODR@kalamazoo.org](mailto:MLRODR@kalamazoo.org).

Councilmember Randall announced that the Change of Assessment Notices are being mailed soon; that the Board of Review will be better informed than in the past; that appeals will be heard; and a greeter and refreshments will be made available for citizen participants.

Councilmember O'Brien highlighted an e-mail that she received and indicated that moving snow from your property on to the street is not allowed.

Mayor Strazdas read a commendation letter that he received from the J.C. Penney Company for Detective James Meyers who was instrumental in catching a criminal who was recruiting groups to shoplift large quantities of merchandise from several retail stores across the state of Michigan, saving over \$60,000 for the J.C. Penny Company.

**ADJOURNMENT:** Mayor Strazdas adjourned the meeting at 9:00 p.m.

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James R. Hudson, City Clerk

**\*Indicates items included on the Consent Agenda.**